

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

SHARI LUCEY,

Case No. 2:15-cv-01476-LDG-PAL

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**REPORT OF FINDINGS AND
RECOMMENDATION**

Defendant.

This matter is before the Court on Plaintiff Shari Lucey's failure to comply with the court's Order to Show Cause (ECF No. 13). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff is proceeding in this action *pro se*. See Order (ECF No. 6). Her Complaint (ECF No. 1) was filed on August 3, 2015. Defendant filed an Answer (ECF No. 9) on June 6, 2016. The court issued a Scheduling Order (ECF No. 11) setting the briefing deadlines for this case. The Scheduling Order required Plaintiff to file a motion for reversal and/or remand no later than July 7, 2016, and advised Plaintiff that a failure to file a motion or points and authorities may result in dismissal of the action. *Id.* at 5. Plaintiff failed to comply with the court's Scheduling Order by filing such a motion, and did not request an extension of time to comply.

On July 28, 2016, the court entered an Order to Show Cause (ECF No. 13) directing Plaintiff to "show cause, in writing, no later than August 29, 2016, why this matter should not be dismissed for a failure to file a motion for reversal and/or remand." Plaintiff was again warned that failure to file such motion would result in a recommendation to the district judge that this

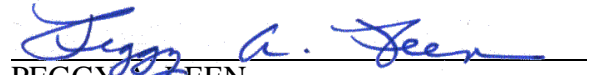
1 case be dismissed. To date, Plaintiff has not filed a motion, requested an extension of time, or
2 taken any other action to prosecute this case.

3 Accordingly,

4 **IT IS RECOMMENDED:**

- 5 1. Plaintiff Shari Lucey's Complaint (ECF No. 1) be DISMISSED for failure to comply
6 with the court's orders.
- 7 2. The Clerk of the Court be instructed to close this case and enter judgment
8 accordingly.

9 Dated this 14th day of September, 2016.

10 
11 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

12 **NOTICE**

13 This Report of Findings and Recommendation is submitted to the assigned district judge
14 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
15 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
16 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
17 Rules of Practice, any party wishing to object to a magistrate judge's findings and
18 recommendations of shall file and serve *specific written objections*, together with points and
19 authorities in support of those objections, within 14 days of the date of service. *See also* 28
20 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to
21 Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page
22 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the
23 specified time may result in the district court's acceptance of this Report of Findings and
24 Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
25 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a
26 magistrate judge may be considered a waiver of a party's right to appellate review of the findings
27 of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*,
28 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.